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HUMAN RIGHTS COMMITTEE
Fifty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Preliminary concluding observations of the
Human Rights Committee

NIGERIA

A. Introduction

1. Deeply concerned by recent executions after trials that were not in conformity with provisions of the Covenant, the Human Rights Committee on 29 November 1995, acting through its Chairman, requested the Government of Nigeria to submit its initial report without further delay for consideration by the Committee at its fifty-sixth session in March/April 1996 and, in any event, to submit by 31 January 1996 a report, in summary form if necessary, relating to the application of articles 6, 7, 9 and 14 of the International Covenant on Civil and Political Rights in the current situation.

2. The Committee appreciates the decision of the Government of Nigeria to submit its initial report (CCPR/C/92/Add.1) in time for consideration at its fifty-sixth session as scheduled.

3. Given the importance of the report in the current situation and the constraints of the Nigerian delegation in being available for only one day, the Committee decided to divide the examination of the report into two parts, namely, the first part on Articles 6, 7, 9 and 14, and the second part on the remaining articles of the Covenant.

4. The first part was considered at the 1494th and 1495th meetings of the Committee held on 1 April 1996 (see CCPR/C/SR.1494 and 1495). Further consideration of the report was adjourned to the fifty-seventh session of the Committee (Geneva, July 1996).

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5. In the light of the examination of the first part of the report and the observations made by members of the Committee, the Committee, at its 1499th meeting, on 3 March 1996, adopted the following preliminary observations and urgent recommendations:

B. Principal concerns in respect of articles 6, 7, 9 and 14

6. The Committee noted fundamental inconsistencies between the obligations undertaken by Nigeria under the Covenant to respect and ensure rights guaranteed under the Covenant and the implementation of those rights in Nigeria.

7. In particular, the incommunicado detention for an indefinite period and the suppression of habeas corpus constitute violations of article 9 of the Covenant.

8. The establishment by presidential decree of several types of special tribunals, including their composition and rules of procedure which exclude the free choice of a lawyer, and the absence of any provisions for appeals, constitute violations of rights provided under article 14 of the Covenant as well as violations of article 6, paragraph 1, and article 6, paragraph 2, of the Covenant when a sentence of death is pronounced.

9. The failure to respect these guarantees has led to the arbitrary deprivation of life of Mr. Ken Saro Wiwa and the other accused.

10. There would not appear to have been any serious investigations into allegations of torture, ill-treatment or conditions of detention which raise serious issues under article 7 of the Covenant.

C. Urgent recommendations

11. The Committee, in particular, recommends that all the decrees establishing special tribunals or revoking normal constitutional guarantees of fundamental rights or the jurisdiction of the normal courts (such as State Security (Detention of Persons) Decree No. 2 of 1984, the Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 12 of 1994, Civil Disturbances (Special Tribunal) Decree No. 2 of 1987, Treason and Other Offences (Special Military Tribunal) Decree No. 1 of 1986) which violate some of the basic rights under the Covenant, be abrogated and that any trials before such special tribunals be immediately suspended.

12. The Committee recommends that urgent steps be taken to ensure that persons facing trials are afforded all the guarantees of a fair trial as explicitly provided in article 14 (1), (2) and (3) and to have their conviction and sentence reviewed by a higher tribunal in accordance with article 14 (5) of the Covenant.

13. The Committee requests the Government of Nigeria to inform the Committee at the resumed consideration of the report in July 1996 of the steps it has taken to implement the above recommendations.